



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

EXECUTIVE ORDER S-09-07

07/02/2007

WHEREAS on June 25, 2007 a state of emergency was proclaimed to exist in El Dorado County as a result of a wildfire and the peril to the area; and

WHEREAS the Angora fire has damaged or destroyed hundreds of structures and utilities requiring the removal of hazardous materials and debris for proper disposal; and

WHEREAS conditions of extreme peril to the people, property and environment exist within the established perimeter of the Angora Fire due to fire damaged dead and dying trees, other vegetation and soil caused by the fire behavior experienced during the Angora Fire, and conditions of danger also exist for the water quality of Lake Tahoe, a national treasure; and

WHEREAS the Angora fire destroyed large amounts of personal property which may not be removed or properly disposed until claims covered by insurance companies are processed, potentially creating a significant delay in property cleanup; and

NOW, THEREFORE, I, Arnold Schwarzenegger, Governor of the State of California, in accordance with the authority vested in me by the statutes of the State of California, and in particular, sections 8567 and 8571 of the California Government Code, do hereby issue the following orders to become effective immediately:

IT IS HEREBY ORDERED:

1. That all State agencies with responsibility, regulatory authority or expertise related to recovery efforts in connection with the Angora fire shall cooperate fully and act expeditiously in coordination with the California Resources and Environmental Protection Agencies, to facilitate the mitigation of the effects of the fire and the environmental restoration of the Tahoe Basin.
2. That State agencies shall enter into contracts and arrange for the procurement of materials, goods, and services necessary to quickly remove dangerous debris, repair damaged resources, and restore and protect the impacted watershed. State agencies shall enter into such contracts as expeditiously as possible. Because strict compliance with the provisions of the Government Code and the Public Contract Code applicable to state contracts would prevent, hinder, or delay these efforts, applicable provisions of those statutes, including, but not limited to, advertising and competitive bidding requirements, are suspended to the extent necessary to address the effects of this emergency.

3. That statutes, rules and regulations, as they apply to the removal, storage, transportation and disposal of hazardous and non-hazardous debris resulting from the fire and other requirements related to necessary restoration and related activities (including, but not limited to, solid waste facility permit requirements and conditions, waste discharge requirements for the storage and disposal of fire-related debris, waste discharge requirements for discharges of waste associated with emergency timber harvesting, prohibitions against discharges or threatened discharges of waste in stream environment zones, waste discharge requirements for emergency construction activities, waste discharge requirements and/or Water Quality Certification for discharges of fill material or pollutants) are hereby suspended to the extent necessary for expediting the removal and cleanup of debris from the fire, and for implementing the Angora Fire Resource Damage Assessment and Restoration Plan. The Secretaries for Environmental Protection and Resources shall use sound discretion in applying this suspension to ensure that the suspension of statutes, rules and regulations serves the purpose of accelerating the cleanup and mitigation of environmental harm, and the restoration of infrastructure damaged in the Angora fire while protecting public health and the environment, and shall maintain a public list of all such waivers and suspensions prominently on their websites. To the extent that it is within their administrative authority and discretion, the boards, departments and offices within the California Environmental Protection Agency shall expedite the granting of other authorizations, waivers or permits necessary for the removal, storage, transportation and disposal of hazardous and non-hazardous debris resulting from the fire, and for other actions necessary for the protection of public health and the environment.

4. That the Governor's Office of Emergency Services and all affected State agencies will provide assistance to the County of El Dorado. Support provided by the State for implementation of the California Disaster Assistance Act will include but is not limited to the use of state personnel and state contractors to support recovery operations.

5. That State agencies shall work with local officials to put into place and implement a comprehensive structural debris removal plan that will treat the removal of structural debris as a single organized project.

6. That to assist and encourage landowners to meet their responsibilities for removing dead and dying trees on their lands, pursuant to Government Code section 8571, the requirement for submitting notices to CAL FIRE under the provisions of Title 14, California Code of Regulations, section 1038 (f), prior to beginning timber operations for the removal of dead and dying trees, is suspended. All other provisions of these regulations shall remain in effect with the following exceptions:

- The Licensed Timber Operator (LTO) shall consult with the appropriate agency prior to operations in lieu of compliance with those regulations requiring approval prior to submission of an exemption notice.
- The landowner is not required to comply with the provisions of Title 14, California Code of Regulations, section 1038 (f)(16).
- A Registered Professional Forester (RPF) is not required.

7. That CAL FIRE, California Department of Corrections and Rehabilitation, and California Conservation Corps use inmate and ward labor, where appropriate to protect public health, safety, and water quality on public lands or where otherwise requested by private property owners.

8. That the Resources Agency, Cal EPA, Department of Forestry and Fire Protection, State and Regional Water Quality Control Boards, and the Department of Fish and Game shall coordinate with the Tahoe Regional Planning Agency and the USDA Forest Service to ensure that all appropriate actions are taken to simplify and accelerate the compliance process to expedite fuel load reduction on public and private lands in the Lake Tahoe basin to protect public health and safety and the environment from future fires.

I FURTHER ORDER THAT standby order number one be invoked to allow sufficient state personnel to address the immediate clean-up and restoration effort.

IT IS REQUESTED that the Public Utilities Commission direct utility companies with transmission lines in the established perimeter of the Angora Fire to ensure that all dead and dying trees and vegetation are completely cleared from their utility right-of-ways to mitigate the potential threat to human health and safety and public property.

These Orders are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable in law or equity, against the State of California, its departments, agencies or other entities, its officers or employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 2nd Day of July 2007.